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Consumer Products, L.L.C., and
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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 (SAN FRANCISCO DIVISION)

16 IN RE: CATHODE RAY TUBE (CRT)
17 ANTITRUST LITIGATION

Case No. 07-5944 JST
MDL No. 1917

18
19 This Document Relates to:
20 Case No. 13-cv-1173-JST (N.D. Cal.)

21 SHARP ELECTRONICS CORPORATION;
22 SHARP ELECTRONICS
23 MANUFACTURING COMPANY OF
24 AMERICA, INC.,

Plaintiffs,

25 v.

26 HITACHI, LTD., *et al.*,

27 Defendants.
28

**DECLARATION OF MATTHEW
FRUTIG IN SUPPORT OF THE
TOSHIBA DEFENDANTS'
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5**

DECLARATION OF MATTHEW FRUTIG IN SUPPORT
OF THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5
Case No. 07-5944 JST, MDL No. 1917

1 I, Matthew Frutig, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Electronic
5 Components, Inc. (collectively, the “Toshiba Defendants”). I make this declaration in support
6 of the Toshiba Defendants’ Administrative Motion to File Documents Under Seal Pursuant to
7 Civil Local Rules 7-11 and 79-5.

8 2. Except for those matters stated on information and belief, which I believe to be
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order in this
12 matter. (ECF No. 306).

13 4. The parties to this litigation have produced in this action certain documents and
14 information designated as “Confidential” and “Highly Confidential” pursuant to the Stipulated
15 Protective Order.

16 5. On October 6, 2016, the Toshiba Defendants filed their Notice of Motion and
17 Motion to Continue Trial Subpoena and Issue Adverse Jury Instruction in the Event of a
18 Failure to Appear at Trial (the “Motion”), and the Declaration of Lucius B. Lau in Support of
19 the Toshiba Defendants’ Motion to Continue Trial Subpoena and Issue Adverse Jury
20 Instruction in the Event of a Failure to Appear at Trial (the “Lau Declaration”).

21 6. Exhibits B and F to the Lau Declaration contain documents and/or information
22 that have been designated as “Highly Confidential” by the Sharp Plaintiffs under the
23 Stipulated Protective Order:

- 24 a. Exhibit B to the Lau Declaration is a letter from Craig Benson to the Hon.
25 Vaughn R. Walker (Ret.), dated January 22, 2015, containing, at
26 attachment 1 to that letter, excerpts of the transcript of the deposition of
27 Toshihito Nakanishi, held on July 29, 2014, designated by the Sharp
28

1 Plaintiffs as “Highly Confidential” under the Stipulated Protective Order;
2 and

3 b. Exhibit F to the Lau Declaration are excerpts from the transcript of the
4 deposition of Nobuo Harada, held on May 20-21, 2015, designated by the
5 Sharp Plaintiffs as “Highly Confidential” under the Stipulated Protective
6 Order.

7 7. Portions of the Motion contain quotations from or discussions of the above-
8 specified materials that have been designated as “Highly Confidential.” As such, the
9 Defendants filed the Motion and the above-referenced Exhibits to the Lau Declaration under
10 seal.

11 8. The portions of the Motion that quote from, describe, or summarize the
12 materials listed in paragraph 6 above are highlighted in the unredacted version of the Motion
13 filed herewith and blacked-out in the redacted version filed herewith.

14 9. The undersigned takes no position on whether the materials designated by the
15 Sharp Plaintiffs as “HIGHLY CONFIDENTIAL” meet the standard for sealing set forth in
16 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). The designating
17 parties bear the burden of establishing that these documents should be maintained under seal
18 by filing a declaration pursuant to Civil Local Rule 79-5(e)(1) and this Court’s Standing Order
19 Governing Administrative Motions to File Materials Under Seal, dated May 31, 2016.

20
21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this 6th day of October, 2016, in Washington, D.C.

23
24
25 

26 _____
Matthew Frutig